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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,882	12/16/2003	Masaru Sato	04208.0197	5477

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

HAMMOND, BRIGGITTE R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,882

Applicant(s)

MASARU SATO ET AL.

Examiner

Brigitte R. Hammond

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 5-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

Applicant's traversal of the Election of Species because Applicant believes that the "examination would not place a serious burden to the Examiner" is noted. However, a key element concerning the "...examination of the entire application..." is if the species are patentably distinct. If the species are not patentably distinct, then the examination may not be a burden. However, if the species are patentably distinct, then the examination is seen to be a burden because of the intricacies associated with the patentably distinct species. The species are patentably distinct and therefore the Election of Species requirement stands.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "touch portion formed at the proximal end" must be shown (and numbered) or the feature canceled from the claims, and the "cover member and the socket body having openings so that a portion of said pressing member is bulged outwardly from an end of said socket body via the openings" must be shown (and numbered) or the feature canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner how the touch portion formed at the proximal end is in contact with said semiconductor device. Is this the same touch portion recited in claim 1? Therefore, that portion of the claim reciting the touch portion formed at the proximal end was not examined in view of art.

It is also unclear to the Examiner exactly how many pressing members there are because, claim 1 recites a pressing member, then, claims 3 and 4 recite further, first and second pressing members. For purposes of examination the Examiner shall assume a pressing member (claim 1) comprising first and second members.

Regarding claim 2, it is unclear to the Examiner exactly how the cover member and the socket body having openings, so that a portion of said pressing member is bulged outwardly from an end of said socket body via the openings.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atobe et al. 6,350,138 in view of Kanesashi 6,872,083. Atobe et al. disclose a socket for a semiconductor device, comprising: a socket body having a semiconductor device placement section 5a, a pressing member 25 having an touch portion 25a brought in contact with said semiconductor device and pressing said semiconductor device toward said contact terminals 6, said pressing member 25 being driven by a pressing member driving mechanism 21 in accordance with the attachment or detachment of said semiconductor device relative to said semiconductor device placement section, for holding said semiconductor device in said semiconductor device placement section; and wherein, when said pressing member driving mechanism moves said touch portion of said pressing member to be away from said semiconductor device to a position in readiness at which said touch portion of said pressing member is not interfered with said semiconductor device upon the attachment or detachment of said semiconductor

Art Unit: 2833

device, a portion of said pressing member is bulged outwardly from an end of said socket body via an opening of said socket body. Atobe et al. does not disclose the socket body for selectively accommodating one of a plurality of semiconductor devices having contour dimensions different from each other. However, Kanesashi discloses a socket for a semiconductor device, comprising: a socket body having a semiconductor device placement section, selectively accommodating one of a plurality of semiconductor devices having contour dimensions different from each other. Therefore it would have been obvious to one of ordinary skill to modify the device of Atobe et al. by providing the semiconductor device placement section to selectively accommodate a plurality of semiconductor devices having different contour dimensions as taught by Kanesashi.

Regarding claim 2, (as best understood) Atobe et al. discloses a socket for a semiconductor device, comprising: a socket body having a semiconductor device placement section 5a, to be electrically connected to contact terminals 6; a pressing member 25 having an touch portion brought in contact with said semiconductor device and pressing said semiconductor device toward said contact terminals, for holding said semiconductor device in said semiconductor device placement section; and a cover member supported by said socket body in a movable manner for bring said touch portion of said pressing member into contact with or away from said semiconductor device in accordance with the attachment or detachment of said semiconductor device relative to said semiconductor device placement section; wherein, said cover member and said socket body have openings, respectively, so that when said cover member

causes said touch portion of said pressing member to be away from said semiconductor device to a position in readiness at which said touch portion of said pressing member is not interfered with said semiconductor device, a portion of said pressing member is bulged outwardly from an end of said socket (as shown in fig. 1b). Atobe et al. does not disclose the socket body for selectively accommodating one of a plurality of semiconductor devices having contour dimensions different from each other. However, Kanesashi discloses a socket for a semiconductor device, comprising: a socket body having a semiconductor device placement section, selectively accommodating one of a plurality of semiconductor devices having contour dimensions different from each other. Therefore it would have been obvious to one of ordinary skill to modify the device of Atobe et al. by providing the semiconductor device placement section to selectively accommodate a plurality of semiconductor devices having different contour dimensions as taught by Kanesashi.

Regarding claim 3, Atobe et al. discloses first and second pressing members 25,25 for holding said semiconductor device in said semiconductor device placement section, each member having a proximal end 25c supported in a moveably rotationally manner at one end of said socket body. and

***Allowable Subject Matter***

Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: regarding claim 4, patentability resides, at least in part, in the second pressing member having a recess for allowing a portion of said first pressing member to enter, in combination with the other limitations of the base claim.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 10/735,882

Page 8

Art Unit: 2833

A handwritten signature in black ink, appearing to read "Brigitte R. Hammond". The signature is fluid and cursive, with the first name "Brigitte" being more prominent than the last name "Hammond".

Brigitte R. Hammond

Primary Examiner

Art Unit 2833

May 9, 2005